

exceed statutory timeframes. Agencies will also be required to submit reports detailing what actions they take as a result of these OSC investigations—something in Congress that we should be paying attention to. This reporting provision requires agencies to admit any failures in holding people accountable and gives Congress much-needed transparency.

Finally, the bill codifies OSC's practice under the current special counsel of disclosing to Congress results and statistics. Codifying this transparency ensures the practice will continue and allow for easier oversight of these activities.

In order to help protect the whistleblowers and reform the Federal agencies, I would urge our colleagues to vote "yes" on H.R. 69.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. CONNOLLY), who is the ranking member of the Government Operations Subcommittee.

Mr. CONNOLLY. Mr. Speaker, again, I thank my friend, Mr. CLAY, for his leadership and for his kindness.

Mr. Speaker, I rise today in support of the Thoroughly Investigating Retaliation Against Whistleblowers Act—a mouthful, but it captures what we are trying to do.

I certainly appreciate Mr. BLUM's efforts to advance legislation that authorizes the Office of Special Counsel and protects whistleblowers in the Federal Government, an effort the Oversight and Government Reform Committee strives to promote when we are at our best on a bipartisan basis, and I am proud to be an original cosponsor of the bill.

I welcome consideration of this bill which would reaffirm Congress' commitment to whistleblowers, upholding the Oversight and Government Reform Committee's obligation to protect those whistleblowers that help identify mismanagement, waste, and fraud at Federal agencies and to support the oversight work of Congress. That is Congress at its best.

With the enactment of the Whistleblower Protection Act of 1989, OSC became an independent agency within the executive branch. Its mission is to safeguard the merit system of protecting Federal employees from prohibitive personnel practices, especially reprisal from whistleblowing. OSC provides employees a mechanism for disclosing wrongdoing in government agencies and provides advice on the Hatch Act, which restricts political activity by government employees generally.

OSC enforces employment rights under the Uniformed Services Employment and Reemployment Rights Act of 1994 for Federal employees who serve or have served in the uniformed services. Congress last reauthorized OSC for the period 2003 to 2007. Due in part to Congress' emphasis on transparency in government, OSC has experienced sig-

nificant growth in its caseload since its last reauthorization. In the past 5 years, that caseload has increased, Mr. Speaker, by 58 percent.

This bill reauthorizes the agency from 2016 through 2020 and makes several important changes to assist OSC in carrying out its vital mission. The bill codifies OSC's current practice of providing important performance metrics in its annual reports to the Congress and requires additional metrics to support congressional oversight of its effectiveness.

Last Congress, this bill was successfully passed out of our committee on, I believe, a unanimous basis. I urge my colleagues to continue Congress' longstanding tradition of support for oversight, accountability, whistleblower protection, and transparency, and vote in the affirmative for the Thoroughly Investigating Retaliation Against Whistleblowers Act.

Mr. CLAY. Mr. Speaker, I have no further speakers, and I would just urge the body to adopt the legislation.

I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I urge the passage of this bill, H.R. 69. We have had four good champions led by Mr. BLUM of Iowa in our committee who have helped put this together: Mr. MEADOWS of North Carolina, Mr. CONNOLLY of Virginia, and Mr. CUMMINGS, the ranking member out of Maryland. All four have come together as original cosponsors here in the 115th Congress.

Mr. Speaker, I urge its passage, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 69.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MIDNIGHT RULES RELIEF ACT OF 2017

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on H.R. 21.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Speaker, pursuant to section 5(b) of House Resolution 5, I call up the bill (H.R. 21) to amend chapter 8 of title 5, United States Code, to provide for en bloc consideration in resolutions of disapproval for "midnight rules", and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to section 5(b) of House Resolution 5, the bill is considered read.

The text of the bill is as follows:

H.R. 21

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Midnight Rules Relief Act of 2017".

SEC. 2. EN BLOC CONSIDERATION OF RESOLUTIONS OF DISAPPROVAL PERTAINING TO "MIDNIGHT RULES".

(a) IN GENERAL.—Section 801(d) of title 5, United States Code, is amended by adding at the end the following:

"(4) In applying section 802 to rules described under paragraph (1), a joint resolution of disapproval may contain one or more such rules if the report under subsection (a)(1)(A) for each such rule was submitted during the final year of a President's term."

(b) TEXT OF RESOLVING CLAUSE.—Section 802(a) of title 5, United States Code, is amended—

(1) by inserting after "resolving clause of which is" the following: "(except as otherwise provided in this subsection)"; and

(2) by adding at the end the following: "In the case of a joint resolution under section 801(d)(4), the matter after the resolving clause of such resolution shall be as follows: 'That Congress disapproves the following rules: the rule submitted by the ___ relating to ___; and the rule submitted by the ___ relating to ___. Such rules shall have no force or effect.' (The blank spaces being appropriately filled in and additional clauses describing additional rules to be included as necessary)".

The SPEAKER pro tempore. The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Federal bureaucrats are continuously creating new and more complicated and costly burdens on hardworking Americans in the form of unnecessarily burdensome regulations. Clearly, some regulation is necessary to protect public safety, set general rules of the road, and accomplish other important goals.

However, despite the fact that these goals can often be accomplished with relatively simple guidance, Washington bureaucrats seem more determined than ever to create the most complicated puzzles they can imagine, regardless of the compliance costs for small businesses or the new and innovative products entrepreneurs are forced to shelve in order to comply with these overly complicated regulations.

Bureaucrats also don't seem to care that American families face higher prices for goods and have fewer job opportunities when employers are unnecessarily forced to factor wasteful costs of complying with overly burdensome regulations into their bottom lines.

That is why, at the very beginning of the 115th Congress, we are prioritizing legislation to remove unnecessary regulatory burdens. Doing so is one of the fundamental steps we can take to make America more competitive again

and put more Americans back to work again.

Today, our specific focus is on reforming regulations that are hastily cobbled together in the waning weeks and months of an outgoing administration. These regulations are particularly susceptible to abuse and, thus, have an even greater potential to undermine job opportunities, wages, and American competitiveness.

As the Obama administration rushes to a close, Americans' freedom and prosperity are increasingly threatened by one of the most abusive features of modern bureaucracy—midnight regulation.

Midnight regulation is one of the most vexing problems in Washington's overreaching regulatory system. Administration after administration, there is a spike in rulemaking activity during the last year of a President's term—particularly between election day and Inauguration Day, but even in the months before then.

These successive waves of midnight regulation present deeply troubling issues. First and foremost, because outgoing administrations are no longer accountable to the voters, they are much more prone to issue midnight regulations that fly in the face of the electoral mandate the voters just gave the new, incoming administration.

Waves of midnight rules can also be very hard for Congress or a new administration to check adequately. As a new Congress and President begin their terms, both understandably must be focused on implementing the new priorities within the mandates the voters have given them. That doesn't always leave time to focus on cleaning up all of the last acts of the departing administration.

In addition, the Congressional Review Act currently allows Congress to disapprove of regulations—including midnight regulations—only one at a time. A wave of midnight regulations can easily overwhelm Congress' ability to use one-rule-at-a-time resolutions as an effective check.

Finally, it is well-documented that the rush by outgoing administrations to impose midnight rules before the clock strikes 12 leads to more poorly analyzed rules with lower quality and lower benefits.

The Obama administration has imposed more runaway regulation than any other in memory, and its midnight rulemaking period is no exception. When the House considered this legislation in the wake of last November's election, the administration had issued or planned to issue at least 180 midnight rules within the scope of this bill, including multiple billion-dollar rules and more than 20 major rules imposing \$100 million or more in costs per year.

In the intervening weeks, these figures have rapidly ballooned to the 226 midnight rules issued or planned. During just the week of December 12, the administration issued 18 midnight regu-

lations, imposing over \$2 billion in new costs. But this is not a partisan issue. Administrations of both parties have issued midnight rules in the past.

The Judiciary Committee has been searching for an effective solution to this problem for some time, and I applaud our colleague, Mr. Issa, for offering the Midnight Rules Relief Act to respond to the need. This bill offers a simple and powerful means to stop the problem of abusive midnight rules—allowing Congress to disapprove of any and all midnight regulations in one fell swoop by one en bloc disapproval resolution under the Congressional Review Act.

Any outgoing administration understanding that it has this Sword of Damocles hanging over its head will surely hesitate much more before abusing midnight rules. Further, once enabled to dispatch of all improper midnight rules with one simple resolution, Congress and succeeding administrations would be free to focus more of their energies on the voters' new priorities, rather than the mess left by midnight rules.

The relief offered by the bill, moreover, is highly flexible. No set number of regulations would have to be covered by a resolution. No category of regulation would have to be included in or excluded from a resolution. On the contrary, any midnight rule disapproval resolution could be sweeping or narrow, depending on how many rules merited inclusion.

Finally, the Midnight Rules Relief Act offers a solution that is not intrusive upon legitimate executive branch authority. An outgoing administration remains free to conduct necessary rulemaking activity up to the stroke of midnight on Inauguration Day. It then falls to Congress to respond swiftly and surgically to the results, to accept the good and excise the bad.

This is truly a better way to govern. That is why the reform embodied in this bill is featured in Speaker RYAN's Better Way agenda.

I thank Mr. ISSA for his work on this important legislation.

Mr. Speaker, I urge my colleagues to support the bill, and I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is an unusual measure that is being brought forward under unusual circumstances. To begin with, this measure would, believe it or not, empower our Federal legislature to undo virtually every regulation submitted to the Congress since mid-June of last year through the end of 2016 last year. The bill accomplishes this—every regulation—by authorizing Congress to disapprove these rules through a single joint resolution, thereby depriving Members to consider the merits of each individual regulation. This presents a number of problems.

□ 1345

As the administration has stated, with a threat of veto of an identical

bill that was considered last November, the legislation “would create tremendous regulatory uncertainty, potentially impose additional costs on businesses, and represent a step backwards for applying sound regulatory principles to protect public health, safety, the environment, and other critical aspects of society.”

This, in my view, is a cynical way of trying to legislate. For those concerned about the continued improvement of clean air and clean water, if we care about the safety of the toys we give our children, if we care about the environment, then we must oppose this bill.

I urge my colleagues to join me. There hasn't been any deliberative process on the bill recently. It is amazing to me that we have such opposition to the bill. It would be overwhelming to put in the over 150 labor organizations, consumer organizations, environmental organizations, and others who have openly asked us to oppose this bill.

If that isn't enough, we have the business community itself in opposition. The American Sustainable Business Council, which represents over 200,000 businesses—and I have a partial list of them—also opposes this measure. It is one of the rare instances in which I have brought to the floor legislation that is opposed by both labor and by business as well.

It is a little bit of an insult that this bill is being considered, on top of that, under a closed rule. There can be no amendments to this measure.

I am in a state of surprise that on the second day of a new Congress we would come forward with a measure that could potentially jeopardize public health and safety in so many different ways.

I think that the opposition to this measure is so overwhelming that I am surprised that without hearings, without an opportunity for amendment, we are now considering a measure that has this much opposition.

Mr. Speaker, I include in the RECORD a letter from Consumer Reports dated January 3, 2017.

CONSUMER REPORTS,

Washington, DC, January 3, 2017.

U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: Consumer Reports and its policy and mobilization arm, Consumers Union, strongly urge you to vote no on H.R. 21, the so-called “Midnight Rules Relief Act.” This bill would severely undermine accountability to the public regarding important protections and safeguards.

Although the rules targeted by this legislation were finalized relatively recently, many have been under development for several years. Consumers Union has provided public comment on several of these regulations that were designed to protect consumers against unsafe products, dishonest business dealings, and other hazards in the marketplace that place their health, safety, or well-being at risk. Agency experts carefully examined these hazards and considered various alternative approaches to address them. They sought input and guidance from businesses, consumer organizations, outside scientific and legal experts, and the public at

large, and ultimately developed final rules, explaining publicly the basis and rationale for the adopted approach.

The federal law known as the Congressional Review Act (CRA) already permits a regulation carefully developed over many years to be erased by Congress, in a rushed process that does not reflect the same level of expertise or careful consideration. Congress could even rescind a rule for reasons that might be based not on any broader interests of the public, but on the narrower, private special interests of those seeking to avoid having appropriate obligations imposed on their profit-making activities.

The potential for the CRA to be employed in the service of special interests is at least somewhat held in check by the fact that the law currently requires separate congressional action for erasing each regulation. A regulation considered for erasure under the CRA must be brought to the House and Senate in its own separate resolution, given its own debate and vote, and sent to the President for its own signature or veto. All officials involved in considering whether to erase the regulation and its protections are thus put on record, and can be held accountable for their positions and the consequences. Perhaps for this reason, there has only been one regulation rescinded under the CRA in its 20-year history.

This important accountability check would be removed under the "Midnight Rules Relief Act." By allowing erasure of multiple regulations en bloc, this bill would enable Members of Congress and the President to evade public accountability for what would be ill-considered, politically motivated decisions that result in devastating consequences. Under the bill, no Member would ever have to be on record regarding any specific regulation being erased. In fact, any Member who actually wants to cast a more selective vote, to erase certain regulations but not others, would be unable to do so.

We are somewhat encouraged that the House Majority, after initially acting behind closed doors to weaken the Office of Congressional Ethics, has reversed course in light of major concerns raised about the impact on congressional accountability. We urge all Members to also recognize the damaging effects that this bill would have on accountability and on the ability of the American public to trust their elected representatives. We strongly urge you to vote no on the "Midnight Rules Relief Act."

Sincerely,

LAURA MACCLEERY,
Vice President, Consumer Policy and Mobilization Consumer Reports.

GEORGE P. SLOVER,
Senior Policy Counsel, Consumers Union.

WILLIAM C. WALLACE,
Policy Analyst, Consumers Union.

Mr. CONYERS. Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. MARINO).

Mr. MARINO. Mr. Speaker, I rise today in strong support of the Midnight Rules Relief Act.

Recently, impossible opportunities exist for this body to reassert its authority and work on behalf of the American people. The Midnight Rules Relief Act would provide Congress with an important tool to begin the process of dismantling the onerous regulatory burdens imposed over the past 8 years.

As the chairman of the Subcommittee on Regulatory Reform, Commercial and Antitrust Law, I have dedicated considerable time over the past 2 years to closely monitoring the growth of the administrative state. The estimated regulatory costs across all years of the Obama administration are staggering. However, the regulatory onslaught in its final year alone—disastrous—shows the damage already done and the greater impact that will fall on our economy.

In 2016, 401 regulations were finalized. The total compliance cost for this period exceeds \$164 billion and amounts to nearly 121 million paperwork hours. That is 401 regulations and \$164 billion. This is only during the final year of the Obama administration. It is no wonder that the American people sought a new, more promising direction for our country.

Finally, the Congress has an opportunity to act to protect the American people and repeal many of these crushing regulations. For us in Congress, we cannot forget what these numbers represent. For my constituents and for Americans across the country, the billions in dollars of costs imposed on the economy represent jobs lost, routine bills that cannot be paid, and the American Dream slipping from their grasp.

The true story of this regulatory onslaught is told by workers at shuttered stores, factories, and power plants across the country. Their concerns and fears are ours. As this current administration exits, we must remain vigilant to last-ditch efforts at crippling our economy.

On top of those in recent months, a number of new regulations may still be finalized in a hurried, nontransparent fashion. The American people are concerned that our current regulatory process ignores the balancing of costs and benefits and the regulatory impact on their lives. From what we have seen over the past 8 years, it is clear that they should be.

Starting this week, Congress has an opportunity to reassert its constitutional authority and act for all Americans. The Midnight Rules Relief Act is a well-advised measure that gives Congress the ability to quickly examine and eliminate the mass of regulations promulgated in recent months. This has been done by both Republican and Democrat administrations.

Mr. Speaker, I urge all my colleagues to support this bill.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER), a senior colleague, to speak on the measure before us.

Mr. NADLER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to H.R. 21, the Midnight Rules Relief Act.

This irresponsible legislation would enable Congress to wipe out hundreds, or even thousands, of regulations enacted during the final year of the President's term in office, in one fell

swoop, with little examination, no deliberation, and little regard to their impact on public health or safety.

Members from both sides of the aisle have expressed concern in recent years over rules adopted during a Presidential transition period—typically, the last 60 to 90 days of the President's term. But this legislation differs greatly from previous legislation that I and others have introduced in the past to deal with this problem.

For example, the Midnight Rule Act, which I introduced in the 110th and 111th Congresses, would have merely delayed the implementation of rules submitted to Congress within the final 90 days of a President's term, with appropriate exceptions for imminent threat to health and safety, enforcement of criminal laws, implementation of an international trade agreement, and national security.

This proposal was a response to concerns with last-minute rulemaking under the George W. Bush administration, which was roundly criticized at the time for allowing insufficient time for public comment, ignoring public comments, and otherwise departing from accepted rulemaking practices.

My bill would have given an incoming President 90 days to determine if any rules issued should not go forward. This measure would have allowed legitimate regulatory reform to proceed on schedule while putting the power to review and overturn controversial new rules into the hands of the newly elected administration.

The legislation before us today, however, goes much further and creates a process to simply erase the last months of an outgoing administration's regulatory agenda.

Under the Congressional Review Act, Congress can overturn a regulation issued by the executive branch through a disapproval resolution that must be signed by the President. This bill would allow Congress to package these disapproval resolutions together and eliminate dozens, hundreds, or even thousands, of regulations all at once, with little debate over the merits of any individual rule.

Under the CRA, agencies would be prevented from proposing similar rules ever again, absent explicit congressional authorization. You would have a rule terminated with no debate because it is one of a thousand rules done away with in one resolution. You can't even look at it again.

The Republican majority has waged an all-out assault on the regulatory process, trying to add hurdle after hurdle on the ability to issue regulations that protect public health and safety. Not content to grind the gears of rule-making to a halt, they now want to eliminate wholesale those regulations that have gone through the exhaustive rulemaking process—a process that often takes many years to complete.

Even more concerning, this bill would apply to rules issued in the last 60 legislative days of a President's

term. Not calendar days, but legislative days.

The SPEAKER pro tempore (Mr. HULTGREN). The time of the gentleman has expired.

Mr. CONYERS. Mr. Speaker, I yield the gentleman an additional 1 minute.

Mr. NADLER. Given how little we worked last year, this would mean that any regulation issued by the Obama administration, stretching back to June 13, 2016, could be canceled in one sweeping motion, with hardly any consideration given to the merits of any individual regulation.

Article II of the Constitution provides that a President shall serve a 4-year term. But the Republicans seem to believe that this doesn't apply to President Obama. Somehow, when he was reelected by broad majority in 2012, he was given only a 3-year term. The Senate refused to consider a Supreme Court nominee and, under this bill, his entire regulatory agenda for the last 6 months could be undone in an instant.

While I am sympathetic to the need for an incoming administration to review regulations issued in the closing days of an outgoing administration, this bill goes much further and allows for a rushed and partisan process that could undermine critical health and safety regulations.

Mr. Speaker, I urge my colleagues to oppose this irresponsible and dangerous legislation.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, floor debate is both for the people in the room and the people watching.

Many of the new Members have not yet voted on a substantive piece of legislation. So, Mr. Speaker, I reach out with a little piece of history—a large piece of history, perhaps—for the freshmen of both parties.

First of all, this legislation is bipartisan. It is sponsored by both Republicans and Democrats.

Second of all, when Mr. CONYERS, Mr. NADLER, and I were 16 years younger, in March of 2001, it was the last and only time that the underlying law allowed for a regulation to be repealed. It was prominently called ergonomics. It was repealed. I had the honor of voting for that as a freshman.

Since that time, in spite of the many regulations that some people don't like in one party or another, we have not seen fit to have a joint resolution repeal a regulation.

So let's talk about what it takes to do that. It takes both Houses of the Congress and the President of the United States to repeal a regulation created by a bureaucrat, or many bureaucrats—a regulation that may or may not be consistent with the law passed by this body, by the Senate, and by a President in this or a previous Congress.

Again, for the freshmen, we are the body that creates laws, and we do so through a complex and difficult process.

We pass it out of the House or Senate. We then pass it out of the other body. If the President signs it, it then still is subject to court challenge.

□ 1400

Now, let's go through the regulatory process: Proposed by a bureaucrat, given a period of time in which dissenters may be 100 percent, and still it becomes law if this body does not act. So now that gives you a little feel for the underlying law. Used once on a bipartisan basis to take back an unpopular regulation that has never been resubmitted under both 8 years of a Republican and 8 years of a Democrat in the White House, and I repeat, the regulation that was previously recalled was so in error that it has never been redone in 16 years by two Presidents.

Now, let's talk about the bill we have before us today. We all know that the House is a body that, when it wants to, can move fairly quickly, and the Senate is a body that seemingly moves quickly only in recess. The fact is that the Senate takes a long time, and we have many regulations that may or may not be considered now or in the future.

All this legislation does is allow for us to dispose of one or more regulations in an expedited fashion in this body and have it seen in the same form in the Senate. Nothing more than that. It doesn't change the underlying law. It doesn't change the fact that the House, the Senate, and a President must concur on taking back what is essentially a law—that is what a regulation is—created by bureaucrats not elected by any of us. So let's keep it as simple as that.

For the freshmen of either party, when you go to make a vote on this, remember, we are not changing the underlying law. Only one regulation under the underlying law has ever been repealed, and it was bipartisan in both the House and the Senate when it was repealed. It has been 16 years, and the few that will likely be considered under this act and the underlying law will be just that, a relatively few regulations that are believed to be unnecessary and for which the House, the Senate, and the President concur.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. JOHNSON), a distinguished member of the Committee on the Judiciary.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to oppose the passage of the so-called Midnight Rules Relief Act of 2017, H.R. 21. Let's not get it twisted. This is a mundane area that we are in, administrative review processes and how we are going to deal with regulations coming out of Federal agencies. This is a mundane topic, but it has real world implications.

The bottom line is this is not a jobs bill. The American people sent Congress here to work on jobs and to work

on economic security for Americans, and the first item of business out of this brand-new Congress is to gut the House Office of Congressional Ethics. Now, why would they want to do that? It was because they liked the idea of the fox guarding the henhouse. They wanted to put themselves in control over the henhouse once again, and the American people called them on it, and so they had to withdraw it.

So what do they do? Today they come back with not a jobs bill but a regulatory bill, an antiregulatory bill, something that protects the health, safety, welfare, and well-being of Americans—little ones, elderly, workers, people who are consumers. They want to gut regulations.

Now, what regulations do they want to gut? They will tell you, by the way, that gutting regulations helps to enhance job creation, but nothing can be further from the truth when you consider that under the last 8 years of President Obama, where we have had regulatory regimes established under the Affordable Care Act and also Dodd-Frank, we have created 15.6 million new jobs over 81 straight months of private sector job growth. Unemployment is now approaching 4 percent, which is basically full employment. And wages are going up for Americans. And so despite the Affordable Care Act and Dodd-Frank, you have got Americans that are prospering.

What do the Republicans want to do? They try to trick you into believing that they are going to create more jobs by removing regulations. What regulations do they want to do away with? It is the Affordable Care Act and Dodd-Frank. So they want to reward their campaign contributors, Wall Street fat cats, with this legislation that will enable them to create conditions that will be similar to the ones that President Obama inherited when he walked into the Presidency 8 years ago. And you can't fail to remember how bleak and bad the economy was.

The economy was in the tank. President Obama brought it back. Dodd-Frank brought it back. And millions—20 million more Americans now have health insurance than they had back then. And the cost of premiums for working people who had insurance through their jobs, the rate of increase has gone to the lowest level over the last 50-plus years. That is real benefits.

What the Republicans want to do, they have said they are going to repeal and replace ObamaCare. They don't have anything to replace it with. They just simply want to repeal it, and that is the regulation that they seek to get at with this bill, H.R. 21, Midnight Rules Relief Act of 2017. This is an attempt to bring the standard of living that Americans have come to enjoy to a halt. It is going to impact negatively our ability to be secure in our personal finances.

New data from the American Community Survey indicates that the number of uninsured Americans continues

to decline every year. What happens when our rural hospitals close and when all the people from throughout the State have to converge on the emergency rooms of the urban hospitals, and it is uncompensated care? Who pays for it? You pay for it.

Let's not get this legislation twisted.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ISSA. Mr. Speaker, I yield an additional 1 minute of my time to the gentleman.

Mr. JOHNSON of Georgia. This is an attack on your ideals. I ask that my colleagues vote against this legislation.

Mr. ISSA. I yield myself such time as I may consume.

Mr. Speaker, I won't be long. There is nothing mundane about what we are doing here. Every day in America, Congress passes a law maybe, but every working day in America, the bureaucracy passes regulations. The fact is, the American people know that the so-called regulatory state that has developed during the last half century means that, whether Congress is in session or not, new laws are being created, new rules that cause people in real America, working people and their companies, to have to figure out what new hurdle they have to jump over just to earn a living.

That is what we are talking about here, that at least when those are grossly exceeded under the underlying law and intention of Congress, Congress—the House, the Senate—in concert with the President, may, in fact, use the same tool, essentially the making of law, in this case to rescind to law.

I just want to again speak to the younger Members who may not know the history of this. All we are really talking about here in this act is, in fact, a law created to take away a regulation. What we are going to vote on will allow for, one, two, half a dozen regulations, if there were that many that we think are wrong, through our normal lawmaking process, in many ways, to be rescinded. The House has to vote a majority, the Senate has to vote a majority, and the President has to sign it. There really isn't a whole lot of difference between that and any other legislative business that we do here.

Now, I have worked with JOHN CONYERS both as a minority member and as my chairman. He is a good man. In this case, I believe that if he looked more broadly at the question of Congress' responsibility to review laws made outside of this body that he would support me. Notwithstanding not getting his support in this case, we do have both Republicans and Democrats on this bill. I expect that on the vote, in both the House and the Senate, it will be bipartisan, and any piece of regulatory law that would come before this body and the Senate, I am confident, would have bipartisan support in order to rescind a bad regulation.

So I think for those who are concerned about the regulations somehow

running amok, no regulation will be rescinded under this law any different than any normal piece of legislation passed out of the House and the Senate and signed by the President.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the distinguished gentleman from California for pointing out how innocent this measure is, and I am astounded by his feeling that regulations shouldn't be examined one by one. Under this measure, 61 regulations could be considered en bloc. To me, just trying to put together two regulations to revoke them would be very, very hard to handle.

What we are talking about here is a bill that would provide special interests with yet another opportunity to block critical lifesaving regulations, and I want to say I have never had so much opposition to a bill brought to my attention before. 150 environmental organizations, consumer organizations, and labor organizations have urged the Members of this body to oppose H.R. 21. It is incredible. And then not only are workers and consumers against this measure as well as environmentalists, businesspeople are against it as well.

I feel like there is some missing part to this thing. The American Sustainable Business Council has over 200,000 businesses. So here is labor and commerce combined, urging Congress not to do this on the second day of a new Congress with all the challenges that are before us, and he says it wouldn't create any problems. It would be okay to put in 1 or 2 or 3 or 5 or 20 or 30 or 40 or 50 or 60. This is incredible. It is not that we are working so hard that we don't have time to examine each one on a particular basis.

□ 1415

Can you imagine this Congress trying to block regulations which would be offered in one bill that could be over 60 different regulations? I mean, it is unthinkable. It is not very practical at all.

When we talk about meat labeling regulations and then in another paragraph or another section there would be standards for school lunch nutrition, they would be combined. My friend from California would say, well, that is no problem. We will take them separately, but they will all come in the same package.

So if you wanted to examine all of these things individually, we could have an instance where the whole Congress could be consumed for weeks or for months trying to figure out why they should block all of these important and sensible safeguards.

Business and labor are joined with us, and, to me, it is beyond comprehension for us to be concerned about not taking them up one at a time. This is worse than a conservative point of view, which I haven't found myself often agreeing with. But just to say

let's have unlimited numbers of these blocking provisions all into one is beyond my comprehension.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. COHEN), a distinguished member of our committee.

Mr. COHEN. Mr. Speaker, I thank the ranking member and chairman in the past, my chairman.

This bill has come up over many years when I served on this subcommittee and was the ranking member and the chair at one time. Mr. ISSA suggested it might only be six or seven regulations. If that was the case, they could take them individually.

There is a process where regulations can be brought before the House, in the Congressional Review Act, and each one studied individually, and the House could overrule them. I can't fathom that they are bringing this bill for just six regulations which they could do individually. But even then, that is wrong to put them all together. We know what is going to happen is they are going to pass. They are going to pass the House. Whether they pass the Senate is another issue.

These are not midnight regulations. These are regulations that go back to last June. So the term "midnight regulations" is a misnomer. To say that these are just decisions made by bureaucrats, you would think bureaucrats were something out of a medical dictionary that was highly contagious. Bureaucrats could also be called experts, specialists, dedicated government officials.

There are people who study these issues that, to be implemented, need to be fine-tuned to fit into society, sometimes to protect consumers, sometimes to protect commerce, and it takes years and years and years, often, for these regulations to take effect. Some of them protect animals—the soring industry.

A great majority of this House was in favor of a bill to protect walking horses, but it didn't get a vote because there were some people in this House that were against it and against it so much that they worked to get one of the finest Members I have served with, Ed Whitfield, out of this House. That was despicable. I suspect that same power that might have had that effect could bring that type of regulation up to be nullified. I would fear that, and I would find it wrong in the spirit of Ed Whitfield and fairness.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONYERS. Mr. Speaker, I yield the gentleman an additional 1 minute.

Mr. COHEN. I like Ed Whitfield a lot. A lot of us did. He was a great guy. It was wrong, what happened, the way he was forced out because a majority of this House wanted a vote on that and it could be put in this regulation and it would go.

Tobacco regulations, toys, protections for children, all potentially in jeopardy, as well as other regulations protecting four-legged friends.

I can imagine when this comes up and the decision is made which bills to put into this omnibus bill, you are going to have lots of lobbyists coming and wanting the bills that affect them adversely, their industry is put in it, and you are going to have fundraisers right around it. It is going to be a fundraising trough for the Republicans to use and bidding basically on who wants to have their regulation put in our bill and have it nullified. The nullification acts back in the 1830s with John Calhoun are back, not the midnight judges of President Adams.

Mr. CONYERS. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Michigan has 6 minutes remaining. The gentleman from California has 13½ minutes remaining.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

My colleague from Tennessee has been a good friend on many issues. I know he is passionate about regulations and laws that he would like to have passed, and so am I.

All of us in Congress have seen that it is extremely easy—the longer you are here, the more you will see it—it is extremely easy to stop something here. The same is true about those 61 or so regulations. Any combining of regulations, unless they are overwhelmingly disapproved, actually makes them harder to pass. We are not going to put 61 pieces of legislation, each of which has at least one or two or three or a dozen Republicans who vehemently oppose that regulation being rescinded. The fact is it is only the worst of the worst that are going to be stayed through this process and then reevaluated by the new administration.

I will mention, though, for my colleagues on the other side of this debate today, that we do appropriations every year. The American people, and for the freshmen who haven't voted on appropriations yet, think of appropriations as somehow different than the law. It really isn't. Appropriation is simply a law that provides funding.

Every appropriation bill during the entire nearly 8 years of President Obama has been some form of a continuing resolution or an omnibus. But as my colleague from Tennessee knows, every one of those has had dozens to hundreds of laws attached to them. We call them riders. We have terms for them. The fact is that a single appropriations bill, often done just before the end of funding of the government, always—always—has dozens, if not hundreds, of laws attached to it.

So the idea that we don't group together things which are relatively non-controversial, that will cause someone to still vote for the bill in spite of it being in there, would be to be dishonest to the freshmen who need to know that we do for efficiency bring together things that we can pass en bloc, and we do it all the time—and even major legislation. I dare say, the Affordable Care Act and others are, in fact, multiple

pieces of legislation put together in one package.

So lest our freshmen who are about to take their first vote on a piece of legislation—or one that could have a major impact—misunderstand, bringing together multiple pieces into one bill is common, but it is always done in order to gain votes or to maintain votes. In fact, you do it at your folly if you lose votes.

I would say to my friend and colleague from Michigan that there is no likelihood that 61 pieces of regulation will be put together because there is no chance that there would be 61 pieces that even all Republicans would agree should be revoked. I would imagine the number would be less. I suspect that if my bill said 2 or 5 or 10, it would still be opposed for the same reason, which is that it creates inefficiency if there are multiple generally agreed bad pieces of legislation that need to be considered.

Lastly, and I am not closing, but I think this may be one of my closing remarks, for freshmen to understand, this isn't even about the House. We have the procedures in the House where we could put these together. This is about the Senate that can take 60 hours, 60 legislative hours or more, to do one piece of legislation. We know that the Senate has confirmations to do of judges and appointees for the Cabinet, and they have other legislative work, and we cannot afford to have them backed up now or in the future if there are multiple regulations that need to be rescinded.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), who, up until recently, was a very active member of the House Judiciary Committee. He is now the ranking member on the Education and the Workforce Committee.

Mr. SCOTT of Virginia. Mr. Speaker, I rise in opposition to H.R. 21, the so-called Midnight Rules Relief Act, which amends the Congressional Review Act. The Congressional Review Act allows Congress to overrule regulations promulgated by the executive branch. That law expects a deliberative approach to considering each and every rule.

H.R. 21 would allow Congress to consider a joint resolution to simultaneously disapprove of multiple regulations all at once when such rules are issued in the last 60 legislative days of a session of Congress during the final year of a President's term. In this case, the 60 legislative days reach-back would apply to rules issued as far back as June of last year, almost 7 months before the end of the President's term. To call rules issued that long ago a midnight rule is a particular misnomer.

This bill puts in place an indiscriminate process to eliminate rules, many of which have been under development for years—or even decades—to protect

consumers, working families, and students. This bill denies Congress the opportunity for a careful, individualized, case-by-case review that is appropriate for a reasoned, decisionmaking legislative body.

Under the Congressional Review Act, if a rule is eliminated, such rule can never be taken up again in similar form without additional legislation overriding the restriction, even if the undesirable rule turns out, upon further reflection, to have been the best alternative.

Some of the rules that could be impacted that are just under the jurisdiction of the Education and the Workforce Committee include the Department of Labor's rule requiring Federal contractors to provide up to 7 days of paid sick leave annually for their employees; the upcoming OSHA rule, which has been under development for 18 years, which would protect workers from exposure to beryllium, a metal that can cause lung disease, resulting in a victim essentially suffocating to death; the Department of Education's rule involving the borrower's defense, which helps student borrowers who are defrauded by their universities; and the Department of Education's K-12 accountability rule, which involves the implementation of the Every Student Succeeds Act, making sure that all students can graduate ready for success for college and career.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONYERS. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. SCOTT of Virginia. H.R. 21 is poised to allow wholesale undermining of critical protections for students, workers, taxpayers, and consumers. I, therefore, urge a "no" vote.

Mr. ISSA. Mr. Speaker, I continue to reserve the balance of my time.

□ 1430

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong opposition to the Republicans' Midnight Rules Relief Act.

The bill is an unnecessary abdication of legislative responsibility by the Republican-led Congress, and it is very poor public policy. The bill short-circuits open debate and public participation. It is also very wasteful because it jettisons carefully and long-crafted policies that protect American families from threats to their economic security, their health, and their safety.

Under the U.S. Constitution, after Congress passes a law, agencies craft rules to implement that legislation. If Members of Congress want to clarify or change executive branch regulations, they have a responsibility to address the matter in a transparent way and through open, regular order. Republicans don't want to do that, however,

because the public might find out what they are doing.

This Republican scheme sets a dangerous precedent by expanding the ability of the Congress to use the Congressional Review Act to disapprove hundreds of carefully crafted policies at one time and with very little notice or debate. Republicans want to reach back to last May and cherry-pick policies that they do not agree with.

But how will the public know?

That will be difficult; and, in many instances, Republicans do not want the public to know.

I urge my colleagues to reject this power grab by the new Republican Congress. It is just like what they tried to do yesterday with the Office of Congressional Ethics. These policies don't just come out of thin air. There is a long, painstaking process with extensive public comment. Public participation doesn't appear to be a priority in this new Congress, so reject this dark bill. Side, instead, with our democratic principles in America, which include open debate, transparency, fiscal responsibility, and the security of our neighbors.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

The gentlewoman from Florida, I am sure, is well intended, but there is nothing more transparent than calling up to the floor of this House and debating the removal of regulations that have been found to be excessive or extreme or simply not consistent with the law. That is a transparent process. The term "regular order," in fact, could not be more appropriate to that process. We passed a law nearly three Presidents ago, if you will, that simply called for this procedure.

All I am saying is we should not be mired down, if there are five or six or eight bad regulations, in not combining them together for purposes of getting them disposed of in a timely fashion. I might suggest to everyone that they remember that many of us did not support the regulation change yesterday as to the ethics oversight, because we do believe in transparency and will continue to believe in transparency.

Again, nothing is more transparent than bringing to the House floor the debate about something that is believed to have been wrong done by unelected bureaucrats. "Bureaucrat" is not a dirty word, but "unelected" fits this process.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I include in the RECORD a CRS Report that highlights the fact that it would be permissible under this proposed bill that as many as 61 regulations could be bundled into one package and blocked by this bill.

CONGRESSIONAL RESEARCH SERVICE,
January 3, 2017.

MEMORANDUM

Subject: "Major" Obama Administration Rules Potentially Eligible to be Overturned under the Congressional Review Act in the 115th Congress.

From: Maeve P. Carey, Specialist in Government Organization and Management; Christopher M. Davis, Analyst on Congress and the Legislative Process; Casey Burtat, Research Assistant.

This memorandum lists "major" rules issued by federal agencies under the Barack Obama Administration that are potentially subject to consideration under the procedures of the Congressional Review Act (CRA) in the 115th Congress. This is an updated version of a general distribution memorandum released by CRS on November 17, 2016, and previously updated on December 6, 2016.

BACKGROUND ON THE CONGRESSIONAL REVIEW ACT

The CRA is a tool that Congress may use to overturn a rule issued by a federal agency, including, in some cases, rules issued in a previous session of Congress and by a previous President. The CRA requires agencies to report on their rulemaking activities to Congress and provides Congress with a special set of procedures under which to consider legislation to overturn those rules. The CRA, which was enacted in 1996, was largely intended to assert control over agency rulemaking by establishing a special set of expedited or "fast track" legislative procedures for this purpose, primarily in the Senate.

Of the approximately 73,000 final rules that have been submitted to Congress since the legislation was enacted in 1996, the CRA has been used to disapprove one rule: the Occupational Safety and Health Administration's November 2000 final rule on ergonomics, which was overturned using the CRA in March 2001. The primary reason the CRA has overturned one rule in the 20 years since its enactment is that under most circumstances, it is likely that a President would veto such a resolution in order to protect rules developed under his own administration, and it may also be difficult for Congress to muster the two-thirds vote in both houses needed to overturn the veto. However, under a specific set of circumstances—a turnover in party control of the White House, particularly a turnover in which the incoming President shares a party affiliation with a majority in both houses of Congress—the CRA is more likely to be used successfully. The March 2001 rejection of the ergonomics rule was the result of that set of circumstances. Similar circumstances will take place in 2017 after the start of the 115th Congress and after President-elect Donald J. Trump is sworn into office.

CRA "RESET" MECHANISM

Section 801(d) of the CRA provides that, if Congress adjourns its annual session sine die less than 60 legislative days in the House of Representatives or 60 session days in the Senate after a rule is submitted to it, then the periods to submit and act on a disapproval resolution "reset" in their entirety in the next session of Congress.¹ The purpose of this provision is to ensure that both houses of Congress have sufficient time to consider disapproving rules submitted during this end-of-session "carryover period." This provision applies in every session of Congress, but it is of particular relevance in sessions of Congress that coincide with presidential transitions. This provision allows, for a limited time period, a new Congress to consider a joint resolution disapproving a rule issued late in the previous administra-

tion. If introduced and considered at the proper time, such a joint resolution cannot be filibustered in the Senate.

The projected second-session meeting schedules of the House and Senate issued by each chamber's majority leader may be used to estimate the date in 2016 after which final rules submitted to Congress will be subject to the renewed review periods in 2017 described above. The estimated start of the reset period for all rules was determined by counting back from the projected sine die adjournment in the respective chambers—60 days of session in the Senate and 60 legislative days in the House—then taking the earlier of the two dates.

Under this calculation, CRS estimates that agency final rules submitted to Congress on or after June 13, 2016, will be subject to renewed review periods in 2017 by a new President and a new Congress. CRS day count estimates are unofficial and non-binding; the House and Senate Parliamentarians are the sole definitive arbiters of the operation of the CRA mechanism and should be consulted if a formal opinion is desired.

"MAJOR" OBAMA ADMINISTRATION RULES POTENTIALLY ELIGIBLE FOR CONSIDERATION UNDER THE CRA IN 2017

Using this estimated reset date of June 13, 2016, CRS compiled a list of major rules that would fall under this reset period—i.e., rules that could be overturned in the 115th Congress using the CRA.

Table 1 lists the major rules CRS has identified as of January 3, 2017, that could be eligible for the reset mechanism. To identify these rules, CRS used a two-step process. First, CRS consulted the Government Accountability Office's (GAO's) federal rules database to identify major rules that were issued during calendar year 2016 and posted on GAO's website as of January 3, 2017. Second, CRS used LIS's "Executive Communications" database to identify when these rules were received in Congress.

MAJOR RULES ISSUED BY THE OBAMA ADMINISTRATION THAT ARE POTENTIALLY ELIGIBLE FOR DISAPPROVAL UNDER THE CONGRESSIONAL REVIEW ACT IN THE 115TH CONGRESS MAJOR RULES LISTED ON GAO'S WEBSITE AS OF JANUARY 3, 2017

Title of Rule (As Published in Federal Register) and RIN Numbers are as follows:

Exemptions To Facilitate Intrastate and Regional Securities Offerings, 3235-AL80; Investment Company Liquidity Risk Management Programs, 3235-AL61; Retention of EB-1, EB-2, and EB-3 Immigrant Workers and Program Improvements Affecting High-Skilled Nonimmigrant Workers, 1615-AC05; Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems), 1216-AB80; Waste Prevention, Production Subject to Royalties, and Resource Conservation, 1004-AE14; Investment Company Swing Pricing, 3235-AL61; Establishing a More Effective Fair Market Rent System; Using Small Area Fair Market Rents in the Housing Choice Voucher Program Instead of the Current 50th Percentile FMRs, 2501-AD74; Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for CY 2017; Medicare Advantage Bid Pricing Data Release; Medicare Advantage and Part D Medical Loss Ratio Data Release; Medicare Advantage Provider Network Requirements; Expansion of Medicare Diabetes Prevention Program Model; Medicare Shared Savings Program Requirements, 0938-AS81.

Medicare Program; CY 2017 Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts, 0938-AS70; Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate,

and Annual Deductible Beginning January 1, 2017, 0938-AS72; Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; Organ Procurement Organization Reporting and Communication; Transplant Outcome Measures and Documentation Requirements; Electronic Health Record (EHR) Incentive Programs; Payment to Non-excepted Off-Campus Provider-Based Department of a Hospital; Hospital Value-Based Purchasing (VBP) Program; Establishment of Payment Rates Under the Medicare Physician Fee Schedule for Nonexcepted Items and Services Furnished by an Off-Campus Provider-Based Department of a Hospital, 0938-AS82; Medicare Program; Merit-Based Incentive Payment System (MIPS) and Alternative Payment Model (APM) Incentive Under the Physician Fee Schedule, and Criteria for Physician-Focused Payment Models, 0938-AS69; Medicare and Medicaid Programs; CY 2017 Home Health Prospective Payment System Rate Update; Home Health Value-Based Purchasing Model; and Home Health Quality Reporting Requirements, 0938-AS80; Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Program, William D. Ford Federal Direct Loan Program, and Teacher Education Assistance for College and Higher Education Grant Program, 1840-AD19; Energy Conservation Program: Energy Conservation Standards for Miscellaneous Refrigeration Products, 1904-AC51.

Medicaid Program; Final FY 2014 and Preliminary FY 2016 Disproportionate Share Hospital Allotments, and Final FY 2014 and Preliminary FY 2016 Institutions for Mental Diseases Disproportionate Share Hospital Limits, 0938-ZB30; Cross-State Air Pollution Rule Update For The 2008 Ozone NAAQS, 2060-AS05; Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium-and Heavy-Duty Engines and Vehicles—Phase 2, 2060-AS16; U.S. Citizenship and Immigration Services Fee Schedule, 1615-AC09; Treatment of Certain Interests in Corporations as Stock or Indebtedness, 1545-BN40; Establishment of the Electronic Visa Update System (EVUS), 1651-AB08; ONC Health IT Certification Program: Enhanced Oversight and Accountability, 0955-AA00; Clearing Requirement Determination Under Section 2(H) of the Commodity Exchange Act For Interest Rate Swaps, 3038-AE20; Standards For Covered Clearing Agencies, 3235-AL48.

Medicare and Medicaid Programs, Reform of Requirements for Long-Term Care Facilities, 0938-AR61; Child Care and Development Fund (CCDF) Program, 0970-AC67; Establishing Paid Sick Leave For Federal Contractors, 1235-AA13; OCC Guidelines Establishing Standards For Recovery Planning By Certain Large Insured National Banks, Insured Federal Savings Associations, And Insured Federal Branches; Technical Amendments, 1557-AD96; Emergency Preparedness Requirements For Medicare And Medicaid Participating Providers And Suppliers, 0938-A091; Migratory Bird Hunting Regulations On Certain Federal Indian Reservations And Ceded Lands For The 2016-17 Season, 1018-BA70; Safety And Effectiveness Of Consumer Antiseptics; Topical Antimicrobial Drug Products For Over-The-Counter-Human Use, 0910-AF69; Head Start Performance Standards, 0970-AC63; Standards Of Performance For Municipal Solid Waste Landfills, 2060-AM08; Emission Guidelines And Compliance Times For Municipal Solid Waste Landfills, 2060-AS23.

Federal Acquisition Regulation; Fair Pay And Safe Workplaces, 9000-AM81; Medicare Program; Hospital Inpatient Prospective Payment Systems For Acute Care Hospitals And The Long-Term Care Hospital Prospective Payment System & Policy Changes &

Fiscal Year 2017 Rates; Quality Reporting Requirements For Specific Providers; Graduate Medical Education; Hospital Notification Procedures Applicable To Beneficiaries Receiving Observation Services; Technical Changes Relating To Costs To Organizations & Medicare Cost Reports; Finalization Of Interim Final Rules With Comment Period On LTCH PPS Payments For Severe Wounds, Modifications Of Limitations On Redesignation By The Medicare Geographic Classification Review Board, & Extensions Of Payments To MDHS And Low-Volume Hospitals, 0938-AS77; 0938-AS88; 0938-AS41; Workforce Innovation And Opportunity Act; Joint Rule For Unified And Combined State Plans, Performance Accountability, And The One-Stop System Joint Provisions; Final Rule, 1205-AB74; Workforce Innovation And Opportunity Act, 1205-AB73; Medicare Program; Prospective Payment System And Consolidated Billing For Skilled Nursing Facilities For FY 2017, SNF Value-Based Purchasing Program, SNF Quality Reporting Program, And SNF Payment Models Research, 0938-AS75.

Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System For Federal Fiscal Year 2017, 0938-AS78; Medicare Program; FF 2017 Hospice Wage Index And Payment Rate Update And Hospice Quality Reporting Requirements, 0938-AS79; Margin And Capital Requirements For Covered Swap Entities, 3052-AC69; Medicare Program; FY 2017 Inpatient Psychiatric Facilities Prospective Payment System—Rate Update, 0938-AS76; National School Lunch Program And School Breakfast Program. Nutrition Standards For All Foods Sold In School As Required By The Healthy, Hunger-Free Kids Act Of 2010, 0584-AE09; Revised Critical Infrastructure Protection Reliability Standards No RIN provided; Amendments To The Commission's Rules Of Practice, 3235-AL87; Disclosure Of Payments By Resource Extraction Issuers, 3235-AL53; Migratory Bird Hunting; Seasons And Bag And Possession Limits For Certain Migratory Game Birds, 1018-BA70; Oil And Gas And Sulfur Operations On The Outer Continental Shelf—Requirements For Exploratory Drilling On The Arctic Outer Continental Shelf, 1082-AA00.

Medication Assisted Treatment For Opioid Use Disorders, 0930-AA22; Department Of Labor Federal Civil Penalties Inflation Adjustment Act Catch-Up Adjustments, 1290-AA31; General Administrative Regulations; Catastrophic Risk Protection Endorsement; Area Risk Protection Insurance Regulations; And The Common Crop Insurance Regulations, Basic Provisions, 0563-AC49; Transition Assistance Program (TAP) For Military Personnel, 0790-AJ17; Operation And Certification Of Small Unmanned Aircraft Systems, 2120-AJ60; Transit Asset Management, National Transit Database; FTA-2014-0020, 092132-AB07; Revision Of Fee Schedules; Fee Recovery For Fiscal Year 2016, 3150-AJ66; Medicare Program; Medicare Clinical Diagnostic Laboratory Tests Payment System, 0938-AS33; James Zadroga 9/11 Victim Compensation Fund Reauthorization Act, 1105-AB49; Energy Conservation Program: Energy Conservation Standards For Battery Chargers, 1904-AB57; Energy Conservation Program: Energy Conservation Standards For Dehumidifiers, 1904-AC81; Removal Of Mandatory Country Of Origin Labeling Requirements For Beef And Pork Muscle Cuts, Ground Beef, And Ground Pork, 0581-AD29.

Mr. CONYERS. Mr. Speaker, I yield the balance of my time to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. I thank the gentleman for yielding.

Mr. Speaker, here we go again with another piece of misguided legislation, but this one will jeopardize the health and safety of the American people to benefit corporate America and polluters.

Let's be clear. The protections that will be overwhelmingly targeted by this measure are not so-called midnight regulations. These are rules that went through significant vetting. There are a host of statutes that govern how regulations are crafted. From the Administrative Procedure Act to the Regulatory Flexibility Act, to the Unfunded Mandates Reform Act, to the Paperwork Reduction Act, there are numerous processes to ensure regulations are written in a way that protect the American people while preventing overreach.

Mr. Speaker, as the ranking member of the Small Business Committee, I am well acquainted with the need to ensure that the regulatory process is balanced. No one here supports overregulation; but, at the same time, we cannot eliminate safeguards that have a proven record of protecting the American public. This bill also has the potential to create significant regulatory uncertainty for the same small businesses my colleagues say they are trying to help.

At its core, this bill is about enabling the largest and most powerful corporations to run rampant—without accountability. The legislation before us could result in less protections for consumers, and it could strip away workplace protections. We should reject this bill. I urge my colleagues to vote “no.”

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

Mr. ISSA. Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentleman from California has 7½ minutes remaining, and the time of the gentleman from Michigan has expired.

Mr. ISSA. Mr. Speaker, I yield myself the balance of my time.

I served on the Small Business Committee with Ms. VELÁZQUEZ a long time ago. One thing that we all know is, with regard to that committee, the NFIB—the National Federation of Independent Business—and small business groups alike are something we look at, even NAM—the National Association of Manufacturers—and, of course, the Chamber. All of those organizations support this legislation. They have written letters in support, and I include in the RECORD those letters.

The following is a list of supporters of H.R. 21, the Midnight Rules Relief Act:

American Action Forum, American Center for Law and Justice, American Commitment, American Energy Alliance, American Fuel and Petrochemical Manufacturers, Americans for Prosperity—Key Vote, Americans for Tax Reform, Associated Builders and Contractors, Competitive Enterprise Institute, Concerned Women for America.

Family Business Coalition, FreedomWorks, Heating Air-conditioning & Refrigeration Distributors International

(HARDI), International Franchise Association, Let Freedom Ring, National Association of Electrical Distributors (NAED), National Association of Manufacturers, National Federation for Independent Business, R Street Institute, SBE Council, U.S. Chamber of Commerce.

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ASSOCIATED BUILDERS
AND CONTRACTORS, INC.,
January 4, 2017.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of Associated Builders and Contractors (ABC), a national construction industry trade association with 70 chapters representing nearly 21,000 chapter members, I am writing in regard to the Regulations from the Executive in Need of Scrutiny (REINS) Act of 2017 (H.R. 26) introduced by Rep. Doug Collins (R-GA) as well as the Midnight Rules Relief Act of 2017 (H.R. 21) introduced by Rep. Darrell Issa (R-CA).

From 2009 to present, the federal government imposed nearly \$900 billion in regulatory costs on the American people which requires billions of hours of paperwork. Many of these regulations have been or will be imposed on the construction industry. ABC is committed to reforming the broken federal regulatory process and ensuring industry stakeholders' voices are heard and rights are protected. ABC supports increased transparency and opportunities for regulatory oversight by Congress and ultimately, the American people.

The Obama administration issued numerous rulemakings that detrimentally impact the construction industry. In some cases, these regulations are based on conjecture and speculation, lacking foundation in sound scientific analysis. For the construction industry, unjustified and unnecessary regulations translate to higher costs, which are then passed along to the consumer or lead to construction projects being priced out of the market. This chain reaction ultimately results in fewer projects, and hinders businesses' ability to hire and expand.

ABC members understand the value of standards and regulations when they are based on solid evidence, with appropriate consideration paid to implementation costs and input from the business community. Federal agencies must be held accountable for full compliance with existing rulemaking statutes and requirements when promulgating regulations to ensure they are necessary, current and cost-effective for businesses to implement.

ABC opposes unnecessary, burdensome and costly regulations resulting from the efforts of Washington bureaucrats who have little accountability for their actions. H.R. 26 will help to bring greater accountability to the rulemaking process as it would require any executive branch rule or regulation with an annual economic impact of \$100 million or more to come before Congress for an up-or-down vote before being enacted. Moreover, H.R. 21 will further enhance congressional oversight of the overreaching regulations often issued during the final months of a president's term and help to revive the division of powers.

Thank you for your attention on this important matter and we urge the House to pass the Regulations from the Executive in Need of Scrutiny (REINS) Act of 2017 and Midnight Rules Relief Act of 2017 when they come to the floor for a vote.

Sincerely,
KRISTEN SWEARINGEN,
Vice President of Legislative & Political
Affairs.

—
NATIONAL ASSOCIATION OF

MANUFACTURERS,
January 4, 2017.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the National Association of Manufacturers (NAM), I am writing to express manufacturers' support for the passage of H.R. 21, the Midnight Rules Relief Act of 2017, introduced by Congressman Darrell Issa (R-CA).

The NAM is the largest manufacturing association in the United States, representing small and large manufacturers in every industrial sector and in all 50 states. Manufacturing employs nearly 12 million men and women, contributes more than \$1.8 trillion to the U.S. economy annually, has the largest economic impact of any major sector, and accounts for two-thirds of private sector research and development. The NAM is the leading advocate for a policy agenda that helps manufacturers compete in the global economy and create jobs across the United States.

The Midnight Rules Relief Act of 2017 would amend the Congressional Review Act to provide Congress the authority to consider one joint resolution of disapproval for regulations en bloc as opposed to a single regulation at a time. As the end of an Administration approaches, there is an incentive for federal agencies to issue a significant number of regulations. These are known as midnight rules, and H.R. 21 would allow Congress to effectively respond to regulations that conflict with congressional intent, exceed an agency's statutory authority or are hastily drafted and issued as an Administration prepares its departure.

The problem of midnight rules is not new and is not unique to a particular political party. As an administration attempts to complete its regulatory agenda, an abundance of midnight rules can overwhelm Congress' ability to engage in proper oversight of federal agencies. Midnight rules can be issued without justification and without an agency conducting proper regulatory analysis. Congress should be granted the authority needed to appropriately respond to the issuance of a midnight rules that might not be drafted in accordance with sound regulatory principles.

Manufacturers support a regulatory system that results in regulations that efficiently and effectively achieve policy objectives, and we urge you to support passage of H.R. 21, the Midnight Rules Relief Act of 2017.

Thank you for your consideration.

Sincerely,

ROSARIO PALMIERI.

[From Americanactionforum.org, Jan. 3, 2017]

THE REGULATORY CLEANUP BEGINS
(By Douglas Holtz-Eakin, Patrick Hefflinger)

On Wednesday Vice President-elect Mike Pence is scheduled to meet with House Republicans to discuss Obamacare repeal and replacement plans. Republicans are expected to delay repealing parts of Obamacare to allow for more time to design a replacement health care plan. President Obama is expected to meet with Congressional Democrats on Wednesday as well to discuss plans for defending Obamacare from repeal.

Last week the Department of Justice (DOJ) announced that they had reached final agreements with Swiss banks on the Swiss Bank Program. The program aims to help financial institutions avoid criminal liabilities due to U.S. tax crimes by granting banks non-prosecution eligibility if they meet certain requirements. The Swiss Bank program was initially announced in 2013.

EAKINOMICS: THE REGULATORY CLEANUP BEGINS

The tally has been mounting for years—over 3,000 costly regulations totaling nearly

\$875 billion in finalized burden costs. As the economy became increasingly festooned with rule making and regulatory drag, conservatives have promised to bring the regulatory state to sanity given the first opportunity. That moment has presumably arrived. Congress returns from the holidays with plans to get started.

Specifically, I expect that the House will begin cleaning up the midnight regulatory onslaught by the Obama administration. Historically, this would have required a regulation-by-regulation use of the Congressional Review Act (CRA). Instead, the House will consider a bill (HR 5982 in the last Congress), which would permit Congress to disapprove multiple midnight rules en banc—in a single resolution.

That takes care of the last-gasp efforts of the outgoing president. But what guarantees better performance in the future? The House will next turn to the Regulations from the Executive in Need of Scrutiny (REINS) Act. With the REINS Act, Congress would have 70 legislative days to approve a major rule with economic impact over \$100 million. Only then would it be sent to the president for signature. Without a positive vote, the regulation would not take effect. If enacted, REINS could save more than \$27 billion in annual regulatory costs and 11.5 million paperwork burden hours according to AAF research by Sam Batkins.

Passage of the REINS Act (or other, similar, legislation) would insert Congress more firmly into the regulatory process, a significant change that is not done lightly. However, the lesson of the past eight years is that even without executive overreach the regulatory process does not correctly balance benefits and costs; a recalibration of the underlying process is overdue.

SMALL BUSINESS &
ENTREPRENEURSHIP COUNCIL,
Vienna, VA, January 3, 2017.

Hon. DARRELL ISSA,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE ISSA: The Small Business Entrepreneurship Council (SBE Council) strongly supports the "Midnight Rules Relief Act." This legislation is vital as it provides a needed check against the surge in new and questionable regulatory activity that is flooding into the Federal Register, which will eventually make its way to small businesses.

While "midnight regulations" have been a problem across Administrations, what is happening in the current period is staggering. According to the American Action Forum, the current output of midnight rules is up 42 percent over 2008, and 48 percent over 2000. This regulatory surge must be "checked" and contained by Congress before it causes permanent damage to the competitiveness of many types of small businesses.

The end-game push on the regulatory front will undoubtedly show that shortcuts were taken in a process meant to protect small businesses. Mercatus Center research found that the quality of analysis suffers during the midnight regulatory period, which means these regulations are "excessively costly" or ineffective. Poorly constructed and politically-driven regulation will only create more uncertainty and costs for our nation's struggling small businesses.

Your legislation will provide Congress with needed flexibility in using the Congressional Review Act (CRA) by allowing a CRA resolution to address more than one regulation. This important reform enhances the CRA and allows Congress to use its time efficiently to address the many issues that face our economy and nation.

Thank you for your continued leadership on issues important to entrepreneurs and

small businesses. Please let us know how we can help to ensure the “Midnight Rules Relief Act” is signed into law.

Sincerely,

KAREN KERRIGAN,
President & CEO.

[From Townhall, Jan. 4, 2017]

THE HOUSE CAN START REVERSING OBAMA’S
REGULATORY OVERREACH
(By Christine Harbin)

President Obama has made a series of executive decisions in his final weeks in office that will undoubtedly harm the economy.

Particularly egregious were his recent announcements on energy and environmental policy: He rejected the permit for the Dakota access pipeline, exempted wind farm companies from killing eagles, abused the Antiquities Act to remove western lands from economic development, and prohibited federal offshore drilling and mineral leases on millions of acres across the country, including 115 million acres off the coast of Alaska.

This flurry of regulatory activity is simply the latest in a long line of overreaches from the Obama White House. The outgoing president has consistently sought ways to enact his agenda unilaterally over his two terms—notoriously “working around Congress” in order to do so. A recent report from the American Action Forum found that the Obama administration issued 600 major regulations totaling \$743 billion over the course of his presidency. This is an average of 81 major regulations—regulations that exceed \$100 million by agency estimates—per year.

Thankfully, the House of Representatives is poised to hit the ground running in slowing the growth of the regulatory state. Representatives will consider two important bills on the floor as one of their first orders of business for the year. Both bills, once passed by the Senate and signed by future President Trump, will bring meaningful relief to the American families and businesses across the country who are currently drowning in red tape.

The first bill, Rep. Darrell Issa’s Midnight Rule Relief Act, is particularly important given the onslaught of regulations coming from the White House and the scarcity of available floor time in Congress. It would allow Congress to disapprove of multiple so-called “midnight rules”—regulations finalized in the waning days of the administration—using a single Congressional Review Act (CRA) resolution, as opposed to disapproving of these rules individually. This change will make it easier for Congress to disapprove of the Obama administration’s recent spate of economically dangerous actions.

The second bill, the Regulations from the Executive in Need of Scrutiny (REINS) Act, is also important. This would require executive agencies to submit “major” rules—those with an annual economic impact of \$100 million or more—to Congress for review and a clear up-or-down vote before the rules take effect. This would assert Congress’s proper role in approving the rules that govern the country, an authority which has been increasingly delegated to executive agencies. It would also encourage more debate among lawmakers about the size and scope of the federal government. Incoming Sen. Todd Young championed this important legislation during his time in the House; it’s good to see Rep. Doug Collins introduce it in this new Congress.

Both of these bills received bipartisan support in past Congresses; they may enjoy even more in this current one. Strange bedfellows could emerge in anticipation of the Trump presidency. Democrats in Congress who want to limit the ability of a Republican White

House to enact new rules, as well as Republicans who principally support limiting the size and scope of government.

Americans across the country voted for President-elect Donald Trump and a Republican majority in Congress because they are tired of President Obama’s harmful regulatory agenda. It’s little surprise that President-elect Donald Trump swept rust belt states and the upper Midwest in the recent election—these parts of the country have been devastated by President Obama’s regulatory overreach, and they stood to lose even further under the threats of a Hillary Clinton administration.

Congress is right to reverse President Obama’s regulatory assault on job creation and economic growth in this country, and it should work closely with President-elect Trump in peeling it back. Representatives should support the two regulatory reform bills when they come up on the floor this week, and they should seek additional efforts to overturn these myriad rules, including future Congressional Review Act resolutions of disapproval and adding appropriations riders that would prohibit funding for implementation of the worst rules, while executive agencies promulgate new rules to eliminate them.

Doing so will send a strong message that lawmakers are willing to stand up to the executive overreach of the past eight years.

Mr. ISSA. Mr. Speaker, the fact is we are hearing many people talk about important regulations and of their somehow being taken out. Let’s understand that regulations can go both ways. These changes and the underlying law can also protect the other way. The fact is now we are in the future. You could have an administration that, in its final days, changes regulations to make them more lenient to large businesses, more lenient to polluters, more lenient to the employers to the detriment of their employees. Regulations can go both ways, and only the most extreme regulations—literally one since the enactment of the underlying legislation—has ever been repealed.

I don’t want to belittle my own legislation, but let’s understand that there won’t be 61 en bloc being brought. There will be some, I hope, and there may be more than one. Yet for Congress to take back, piece by piece, its responsibility and then live up to that responsibility should be all of our goals.

Now, this legislation was limited to midnight rules. Let’s understand that midnight rules are the rules done in the waning days of an administration—7-plus years into this administration—and many of these rules, in fact, were enacted after the last vote of the people. I think it is important to understand that, on election day, the American people delivered a resounding message to Washington: stop the regulatory, Big Government onslaught that is killing jobs.

One of my colleagues earlier spoke of the fact that we had had so many jobs—15 million jobs—created in the last 8 years. The percentage of the workforce that is working in America today is the smallest in my lifetime. It is smaller than it was 8 years ago, 16

years ago, or 21 years ago. We are not creating jobs at the rate of our population. We should not have some sort of an accolade for regulations having created a great economy if, in fact, that economy has grown less than 2 percent a year and has not kept up with any historic 8-year period. To me, that is an important part. Although the discussion I just had was about more than regulations, let’s understand that the growth of regulations—of lawmaking—is certainly not the creator of jobs.

I think, when we look at the cost—and that is a lot of what we are dealing with in the manager’s amendment in this bill—we are dealing with the recognition that we are looking at regulations in light of how much they cost. Now, that cost is based on independent scoring. It is not the administration’s scoring and it is not my scoring. It is that of the Congressional Budget Office’s, an independent agency that doesn’t always give a score I want, but the score is not arrived through partisan activities.

I reach out again to the Members who may not yet know that what we are asking is simply to assert our normal ability in Congress and put together one or more ideas for the efficiency of the body, to send it from here to the Senate, and from the Senate to the President. What we are proposing in this legislation as a small change to the underlying legislation that has been with us for three Presidents is, in fact, consistent with this body’s doing its job, in regular order, in the clear light of day.

I think the important message for this piece of bipartisan legislation is: we are taking back a limited amount of our capability, trying to streamline it, and giving the President an opportunity to accept or reject a piece of legislation voted on by a majority of the House and a majority of the Senate before it gets to the President. The President, if he feels we have included even one regulation inappropriately that he would like to retain, would veto our bill.

Lastly, I beg everyone to look at this for what it is, not for what others say it is, because it is simply Congress doing its job in an efficient fashion and consistent with 20-plus years of history and with there being only one piece—one time—when a regulation was withdrawn. No President since that time has tried to produce or has asked Congress to pass a law so as to put into effect a regulation that, on a bipartisan basis, the House, the Senate, and a President thought should go. I urge the support for this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to section 5(b) of House Resolution 5, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Ms. CASTOR of Florida. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. CASTOR of Florida. I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. CASTOR of Florida moves to recommit the bill H.R. 21 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Add, at the end of the bill, the following:

SEC. 3. EXCEPTION FOR CERTAIN RULES THAT PROHIBIT DISCRIMINATION BY INSURANCE ISSUERS ON THE BASIS OF GENDER OR PREEXISTING CONDITION OR THAT MAKE HEALTHCARE MORE AFFORDABLE FOR WORKING AMERICANS.

Nothing in this Act, or the amendments made by this Act, shall apply in the case of any rule that pertains to the prevention of—

(1) discrimination by health insurance issuers and group health plans on the basis of preexisting conditions or gender, including in the form of higher premiums for women or loss of benefits such as mammograms, cervical cancer screenings, prenatal care, and commonly prescribed contraception; or

(2) higher premiums or out-of-pocket costs for seniors for prescription drugs under prescription drug plans under the Medicare program under part D of title XVIII of the Social Security Act (42 U.S.C. 1395w-101 et seq.).

Mr. ISSA (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida is recognized for 5 minutes in support of her motion.

Ms. CASTOR of Florida. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

My amendment provides an important safeguard for the economic security of American families by maintaining the consumer-friendly protections in the Affordable Care Act for, one, the cost-saving provisions in Medicare of lower prescription drugs for our parents and our grandparents; and, two, the vital consumer protection that prohibits insurance companies from denying coverage because someone has a preexisting condition like cancer, asthma, or diabetes.

The Affordable Care Act, which Republicans say they want to repeal without a replacement bill in sight, provided these very important consumer protections for all Americans not just for the 20 million Americans who gained health insurance through the

marketplace or HealthCare.gov, but for the vast majority of Americans who are covered through Medicare, which is about 43 million Americans, and for the folks who have health insurance through their jobs, which is about 155 million Americans.

□ 1445

Here is what the Affordable Care Act has done for those folks: One, Medicare is stronger. The Affordable Care Act strengthened the Medicare fund, extending its life by over a decade. In addition, Medicare enrollees have benefited from huge savings in prescription drug costs. They have also saved through preventative screenings for breast and colorectal cancer, cardiovascular disease, and diabetes; that when they go to the doctor's office now, there is no cost, there is no charge. That is the Affordable Care Act.

So if Republicans aren't careful in their zeal to repeal the Affordable Care Act, they, in essence, will be asking our parents and grandparents to pay more, a whole lot more for their prescription drugs.

Let me get a little local here. I represent the State of Florida where about 18 percent of Floridians rely on Medicare for their health care. Because of the Affordable Care Act, it has started to close the doughnut hole. Repeal it now and that stops. That goes away. Just in 2015 alone, 350,000 Florida seniors saved \$351 million on their prescription drugs. That is an average of about \$1,000 per beneficiary. So my amendment makes the point that Democrats are going to fight for our older neighbors to keep those savings intact, brought to you by the Affordable Care Act.

Second, we also want to put everyone on notice that Democrats intend to fight tooth and nail to keep the vital consumer protection, one of the bedrocks of the Affordable Care Act, that bars health insurance companies from refusing to cover you or charge you more because you have a preexisting condition or charge women more than men.

Whether you know it or not, all Americans have benefited from the bar on discrimination from preexisting conditions since January 1, 2014. So if you have health insurance through your employer, you have benefited from the Affordable Care Act. If you have gone to healthcare.gov because you are a student, part-time worker, or you don't have it through your job, you have benefited. If you have health insurance for your children through the Children's Health Insurance Program or Medicaid, you are no longer subject to discrimination.

Remember a few years ago when insurance companies maintained a long list of conditions where they said, if you have cancer or diabetes or something, you are automatically excluded, that is the way things worked. A congressional investigation into this prac-

tice during the healthcare reform debate uncovered more than 400 medical diagnoses or conditions that insurance used to justify coverage denial. At the top of the list were cancer, heart disease, pregnancy, diabetes, HIV/AIDS, multiple sclerosis, and muscular dystrophy.

You know what? Generally, States with the highest rates of denial were in the South and the Midwest where the overall health status of residents has consistently been worse than in other parts of the country. The incidence of cancer, heart disease, and diabetes is higher in those States.

Well, now you cannot be discriminated against for those preexisting conditions. That kind of discrimination wasn't right. It had no place in America, so we outlawed it in the Affordable Care Act. Like one of my neighbors, Christine Roper in Tampa—Christine is 26. She recently aged off her father's insurance and was unsure how to find coverage because she has a heart condition and asthma. Before, she would have been prohibited from getting health insurance, but not today. And we are not going backwards. That is because millions of Americans who can now buy coverage would be forced back into the ranks of the uninsured.

We are going to start this Congress off by standing up for our families and rejecting any attempts to repeal and replace the Affordable Care Act.

I urge a "yes" vote on my motion, and I yield back the balance of my time.

Mr. ISSA. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. ISSA. Mr. Speaker, I remember Chairman Ed Towns who used to say when someone ran on: The gentleman's time has long expired. I think we might have that situation here, but I am going to give the gentlewoman from Florida a moment more in just a moment.

The motion to recommit specifically sends it back to the committee. That is not necessary. The fact is that if she wanted these changes and wanted them enacted immediately there is a procedure to do so.

So I rise in opposition because this is certainly something that would delay, would send this back to committee, and cause it to come back again.

I will yield to the gentlewoman from Florida (Ms. CASTOR) for a question, if she wouldn't mind: Is there a regulation in those 61 that would be affected by this that would affect any of the provisions that you cited in your amendment?

Ms. CASTOR of Florida. Well, according to the Midnight Rules Relief Act, the public really won't know, and that is the point.

Mr. ISSA. Mr. Speaker, would the gentlewoman answer the question. Is there 61, according to the ranking member, pieces of regulation that

could be in the window? I just wondered if you had one regulation by the Obama administration that concerned any of these issues that you had in the act.

Ms. CASTOR of Florida. Mr. Speaker, I thank the gentleman for yielding.

In fact, there are extensive regulations listed as major rules relating to Medicare because part of what we did in the Affordable Care Act was to begin to change Medicare from a volume-based system to a value-based system.

MAJOR RULES ISSUED BY THE OBAMA ADMINISTRATION THAT ARE POTENTIALLY ELIGIBLE FOR DISAPPROVAL UNDER THE CONGRESSIONAL REVIEW ACT IN THE 115TH CONGRESS
MAJOR RULES LISTED ON GAO'S WEBSITE AS OF
JANUARY 3, 2017

Title of Rule (As Published in Federal Register) and RIN Number are as follows:

Exemptions To Facilitate Intrastate and Regional Securities Offerings 3235-AL80; Investment Company Liquidity Risk Management Programs, 3235-AL61; Retention of EB-1, EB-2, and EB-3 Immigrant Workers and Program Improvements Affecting High Skilled Nonimmigrant Workers, 1615-ACO5; Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems), 1216-AB80; Waste Prevention, Production Subject to Royalties, and Resource Conservation, 1004-AE14; Investment Company Swing Pricing, 3235-AL61; Establishing a More Effective Fair Market Rent System; Using Small Area Fair Market Rents in the Housing Choice Voucher Program Instead of the Current 50th Percentile FMRs, 2501-AD74; Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for CY 2017; Medicare Advantage Bid Pricing Data Release; Medicare Advantage and Part D Medical Loss Ratio Data Release; Medicare Advantage Provider Network Requirements; Expansion of Medicare Diabetes Prevention Program Model; Medicare Shared Savings Program Requirements, 0938-AS81.

Medicare Program; CY 2017 Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts, 0938-AS70; Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2017, 0938-AS72; Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; Organ Procurement Organization Reporting and Communication; Transplant Outcome Measures and Documentation Requirements; Electronic Health Record (EHR) Incentive Programs; Payment to Non-excepted Off-Campus Provider-Based Department of a Hospital; Hospital Value-Based Purchasing (VBP) Program; Establishment of Payment Rates Under the Medicare Physician Fee Schedule for Nonexcepted Items and Services Furnished by an Off-Campus Provider-Based Department of a Hospital, 0938-AS82; Medicare Program; Merit-Based Incentive Payment System (MIPS) and Alternative Payment Model (APM) Incentive Under the Physician Fee Schedule, and Criteria for Physician-Focused Payment Models, 0938-AS69; Medicare and Medicaid Programs; CY 2017 Home Health Prospective Payment System Rate Update; Home Health Value-Based Purchasing Model; and Home Health Quality Reporting Requirements, 0938-AS80; Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Program, William D. Ford Federal Direct Loan Program, and Teacher Education Assistance for College and Higher Education Grant Program,

1840-AD19; Energy Conservation Program, Energy Conservation Standards for Miscellaneous Refrigeration Products, 1904-AC51.

Medicaid Program; Final FY 2014 and Preliminary FY 2016 Disproportionate Share Hospital, Allotments, and Final FY 2014 and Preliminary FY 2016 Institutions for Mental Diseases, Disproportionate Share Hospital Limits, 0938-ZB30; Cross-State Air Pollution Rule Update For The 2008 Ozone NAAQS, 2060-AS05; Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium-and Heavy-Duty Engines and vehicles—Phase 2, 2060-AS16; U.S. Citizenship and Immigration Services Fee Schedule, 1615-AC09; Treatment of Certain Interests in Corporations as Stock or Indebtedness, 1545-BN40; Establishment of the Electronic Visa Update System (EVUS), 1651-AB08; ONC Health IT Certification Program: Enhanced Oversight and Accountability, 0955-AA00; Cleaning Requirement Determination Under Section 2(H) Of The Commodity Exchange Act For Interest Rate Swaps, 3038-AE20; Standards For Covered Clearing Agencies, 3235-AL48.

Medicare And Medicaid Programs; Reform Of Requirements For Long-Term Care Facilities, 0938-AR61; Child Care And Development Fund (CCDF) Program, 0970-AC67; Establishing Paid Sick Leave For Federal Contractors, 1235-AA13; OCC Guidelines Establishing Standards For Recovery Planning By Certain Large Insured National Banks, Insured Federal Savings Associations, And Insured Federal Branches; Technical Amendments, 1557-AD96; Emergency Preparedness Requirements For Medicare And Medicaid Participating Providers And Suppliers, 0938-A091; Migratory Bird Hunting Regulations On Certain Federal Indian Reservations And Ceded Lands For The 2016-17 Season, 1018-BA70; Safety And Effectiveness Of Consumer Antiseptics; Topical Antimicrobial Drug Products For Over-The-Counter-Human Use, 0910-AF69; Head Start Performance Standards, 0970-AC63; Standards Of Performance For Municipal Solid Waste Landfills, 2060-AM08; Emission Guidelines And Compliance Times For Municipal Solid Waste Landfills, 2060-AS23.

Federal Acquisition Regulation; Fair Pay And Safe Workplaces, 9000-AM81; Medicare Program; Hospital Inpatient Prospective Payment Systems For Acute Care Hospitals And The Long-Term Care Hospital Prospective Payment System & Policy Changes & Fiscal Year 2017 Rates; Quality Reporting Requirements For Specific Providers; Graduate Medical Education; Hospital Notification Procedures Applicable To Beneficiaries Receiving Observation Services; Technical Changes Relating To Costs To Organizations & Medicare Cost Reports; Finalization Of Interim Final Rules With Comment Period On LTCH PPS Payments For Severe Wounds, Modifications Of Limitations On Redesignation By The Medicare Geographic Classification Review Board, & Extensions Of Payments To MDHS And Low-Volume Hospitals, 0938-AS77; 0938-AS88; 0938-AS41; Workforce Innovation And Opportunity Act; Joint Rule For Unified And Combined State Plans, Performance Accountability, And The One-Stop System Joint Provisions; Final Rule, 1205-AB74; Workforce Innovation And Opportunity Act, 1205-AB73; Medicare Program; Prospective Payment System And Consolidated Billing For Skilled Nursing Facilities For FY 2017, SNF Value-Based Purchasing Program, SNF Quality Reporting Program, And SNF Payment Models Research, 0938-AS75.

Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System For Federal Fiscal Year 2017, 0938-AS78; Medicare Program; FF 2017 Hospice Wage Index And Payment Rate Update And Hospice Quality Reporting Requirements, 0938-

AS79; Margin And Capital Requirements For Covered Swap Entities, 3052-AC69; Medicare Program; FY 2017 Inpatient Psychiatric Facilities Prospective Payment System—Rate Update, 0938-AS76; National School Lunch Program And School Breakfast Program; Nutrition Standards For All Foods Sold In School As Required By The Healthy, Hunger-Free Kids Act Of 2010, 0584-AE09; Revised Critical Infrastructure Protection Reliability Standards, No RIN provided; Amendments To The Commission's Rules Of Practice, 3235-AL87; Disclosure Of Payments By Resource Extraction Issuers, 3235-AL53; Migratory Bird Hunting; Seasons And Bag And Possession Limits For Certain Migratory Game Birds, 1018-BA70; Oil and Gas And Sulfur Operations On The Outer Continental Shelf—Requirements For Exploratory Drilling On The Arctic Outer Continental Shelf, 1082-AA00.

Medication Assisted Treatment For Opioid Use Disorders, 0930-AA22; Department Of Labor Federal Civil Penalties Inflation Adjustment Act Catch-Up Adjustments, 1290-AA31; General Administrative Regulations; Catastrophic Risk Protection Endorsement; Area Risk Protection Insurance Regulations; And The Common Crop Insurance Regulations, Basic Provisions, 0563-AC49; Transition Assistance Program (TAP) For Military Personnel, 0790-AJ17; Operation And Certification Of Small Unmanned Aircraft Systems, 2120-AJ60; Transit Asset Management; National Transit Database; FTA—2014—0020, 2132-AB07; Revision Of Fee Schedules; Fee Recovery For Fiscal Year 2016, 3150-AJ66; Medicare Program; Medicare Clinical Diagnostic Laboratory Tests Payment System, 0938-AS33; Jams Zadroga 9/11 Victim Compensation Fund Reauthorization Act, 1105-AB49; Energy Conservation Program: Energy Conservation Standards For Battery Chargers, Energy Conservation Program: Energy Conservation Standards For Dehumidifiers, 1904-AC81; Removal Of Mandatory Country Of Origin Labeling Requirements For Beef And Pork Muscle Cuts, Ground Beef, And Ground Pork, 0581-AD29.

Mr. ISSA. Mr. Speaker, reclaiming my time, I would ask that the gentleman, if there are some, place them in the RECORD. I don't know of any in the 61 that were granted, let's say, after June.

What I will say is that the reason I will be voting and urging my colleagues to vote "no" on the motion to recommit is not the regulations that she alludes to but, in fact, the fact that this would kill the bill by sending it back and having it delayed further.

So, in order to pass it today, because she did not set it up to exclude these items and have them immediately considered, I cannot support her motion to recommit.

What I will say is that when we look at regulations to put into a package that may be a package of one or a package, if this passes, of more than one, I certainly will expect that those regulations will have to do with things which could have been done sooner, would have been done sooner, and were done in the waning days of the administration for no reason that was time sensitive.

The Affordable Care Act was passed in the first days of the administration. If there is something in the last days of the administration that has merit, I certainly would urge my colleagues not

to rescind that regulation. But if there is something that should have been done in year one, two, three, four, five, or six, I would ask why it wasn't done then.

Having said that, it is unfortunate that this motion to recommit was written in a way that would send it back to committee and, thus, cause a substantial delay.

I would caution my colleagues that, at least from this Member, if you have a motion to recommit and you want the amendment itself considered, make it one that is immediate and not back to committee. The difference, I think, is important. The Parliamentarian simply can advise on how to write one that would prevent it having to get, if you will, another delay of days or weeks.

I urge opposition to the motion to recommit.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Ms. CASTOR of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 53 minutes p.m.), the House stood in recess.

□ 1615

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HULTGREN) at 4 o'clock and 15 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

The motion to recommit on H.R. 21; and passage of H.R. 21, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

MIDNIGHT RULES RELIEF ACT OF 2017

The SPEAKER pro tempore. The unfinished business is the vote on the mo-

tion to recommit on the bill (H.R. 21) to amend chapter 8 of title 5, United States Code, to provide for en bloc consideration in resolutions of disapproval for midnight rules, and for other purposes, offered by the gentlewoman from Florida (Ms. CASTOR), on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to recommit.

The vote was taken by electronic device, and there were—yeas 183, nays 236, not voting 14, as follows:

[Roll No. 7]

YEAS—183

Adams	Fudge	Neal
Aguilar	Gabbard	Nolan
Barragán	Garamendi	Norcross
Bass	Gottheimer	O'Halleran
Beatty	Green, Al	O'Rourke
Bera	Green, Gene	Pallone
Bishop (GA)	Grijalva	Panetta
Blumenauer	Gutiérrez	Pascarell
Blunt Rochester	Hanabusa	Payne
Bonamici	Hastings	Pelosi
Boyle, Brendan	Heck	Perlmutter
F.	Higgins (NY)	Peters
Brady (PA)	Himes	Peterson
Brown (MD)	Hoyer	Pingree
Brownley (CA)	Huffman	Pocan
Bustos	Jackson Lee	Polis
Butterfield	Jayapal	Price (NC)
Capuano	Jeffries	Quigley
Carbajal	Johnson (GA)	Raskin
Cárdenas	Johnson, E. B.	Rice (NY)
Carson (IN)	Kaptur	Rosen
Cartwright	Keating	Roybal-Allard
Castor (FL)	Kelly (IL)	Ruiz
Castro (TX)	Kennedy	Ruppersberger
Chu, Judy	Khanna	Ryan (OH)
Cicilline	Kildee	Sánchez
Clark (MA)	Kilmer	Sarbanes
Clarke (NY)	Kind	Schakowsky
Clay	Krishnamoorthi	Schiff
Cleaver	Kuster (NH)	Schneider
Clyburn	Langevin	Scott (VA)
Cohen	Larsen (WA)	Scott, David
Connolly	Larson (CT)	Serrano
Conyers	Lawrence	Sewell (AL)
Cooper	Lawson (FL)	Shea-Porter
Correa	Lee	Sherman
Courtney	Levin	Sires
Crist	Lewis (GA)	Slaughter
Crowley	Lieu, Ted	Smith (WA)
Cuellar	Lipinski	Soto
Cummings	Loeb sack	Speier
Davis (CA)	Lofgren	Suoizzi
Davis, Danny	Lowenthal	Swalwell (CA)
DeFazio	Lowey	Takano
DeGette	Lujan Grisham,	Thompson (CA)
Delaney	M.	Thompson (MS)
DeLauro	Luján, Ben Ray	Titus
DelBene	Lynch	Tonko
Demings	Maloney,	Torres
DeSaulnier	Carolyn B.	Tsongas
Deutch	Maloney, Sean	Vargas
Dingell	Matsui	Veasey
Doggett	McCollum	Vela
Doyle, Michael	McEachin	Velázquez
F.	McGovern	Visclosky
Ellison	McNerney	Walz
Engel	Meeks	Wasserman
Eshoo	Meng	Schultz
Españolat	Moore	Watson Coleman
Esty	Moulton	Welch
Evans	Murphy (FL)	Wilson (FL)
Foster	Nadler	Yarmuth
Frankel (FL)	Napolitano	

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Abraham	Barr	Blum
Aderholt	Barton	Bost
Allen	Bergman	Brady (TX)
Amash	Beutler	Brat
Amodel	Biggs	Bridenstine
Arrington	Billirakis	Brooks (AL)
Babin	Bishop (MI)	Brooks (IN)
Bacon	Bishop (UT)	Buchanan
Banks (IN)	Black	Buck
Barletta	Blackburn	Bucshon

Budd	Hultgren	Renacci
Burgess	Hunter	Rice (SC)
Byrne	Hurd	Roby
Calvert	Issa	Roe (TN)
Carter (GA)	Jenkins (KS)	Rogers (AL)
Carter (TX)	Jenkins (WV)	Rogers (KY)
Chabot	Johnson (LA)	Rohrabacher
Chaffetz	Johnson (OH)	Rokita
Cheney	Johnson, Sam	Rooney, Francis
Coffman	Jones	Rooney, Thomas
Cole	Jordan	J.
Collins (GA)	Joyce (OH)	Ros-Lehtinen
Comer	Katko	Roskam
Comstock	Kelly (MS)	Ross
Conaway	Kelly (PA)	Rothfus
Cook	King (IA)	Rouzer
Costello (PA)	King (NY)	Royce (CA)
Cramer	Kinzing	Russell
Crawford	Knight	Rutherford
Culberson	Kustoff (TN)	Sanford
Curbelo (FL)	Labrador	Scalise
Davidson	LaHood	Schweikert
Davis, Rodney	LaMalfa	Scott, Austin
Denham	Lamborn	Sensenbrenner
Dent	Lance	Sessions
DeSantis	Latta	Shimkus
DesJarlais	Lewis (MN)	Shuster
Diaz-Balart	LoBiondo	Simpson
Donovan	Long	Sinema
Duffy	Loudermilk	Smith (MO)
Duncan (SC)	Love	Smith (NE)
Duncan (TN)	Lucas	Smith (NJ)
Dunn	Luetkemeyer	Smith (TX)
Emmer	MacArthur	Smucker
Farenthold	Marchant	Stefanik
Faso	Marino	Stewart
Ferguson	Marshall	Stivers
Fitzpatrick	Massie	Mast
Fleischmann	McCarthy	Taylor
Flores	McCaul	Tenney
Fortenberry	McClintock	Thompson (PA)
Fox	McHenry	Thornberry
Franks (AZ)	McKinley	Tiberi
Frelinghuysen	McMorris	Tipton
Gaetz	McMorris	Trott
Gallagher	Rodgers	Turner
Garrett	McSally	Upton
Gibbs	Meadows	Valadao
Gohmert	Meehan	Wagner
Goodlatte	Messer	Walberg
Gosar	Mitchell	Walden
Gowdy	Moolenaar	Walker
Granger	Mooney (WV)	Walorski
Graves (GA)	Mullin	Walters, Mimi
Graves (LA)	Murphy (PA)	Weber (TX)
Graves (MO)	Newhouse	Webster (FL)
Griffith	Noem	Wenstrup
Grothman	Nunes	Westerman
Guthrie	Olson	Williams
Harper	Palazzo	Wilson (SC)
Harris	Palmer	Wittman
Hartzler	Paulsen	Womack
Hensarling	Pearce	Woodall
Hice, Jody B.	Perry	Yoder
Higgins (LA)	Pittenger	Yoho
Hill	Poliquin	Posey
Holding	Reed	Young (AK)
Hollingsworth	Ratcliffe	Young (IA)
Hudson	Reed	Zeldin
Huizenga	Reichert	Zinke

NOT VOTING—14

Becerra	Gonzalez (TX)	Price, Tom (GA)
Beyer	Kihuen	Richmond
Collins (NY)	Mulvaney	Rush
Costa	Poe (TX)	Waters, Maxine
Gallego	Pompeo	

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Messrs. WEBSTER of Florida, RENACCI, JENKINS of West Virginia, Mmes. HARTZLER, McMORRIS RODGERS, Messrs. STEWART, THOMAS J. ROONEY of Florida, STIVERS, BRADY of Texas, and BERGMAN changed their vote from "yea" to "nay."

Messrs. KILDEE, BLUMENAUER, RUPPERSBERGER, O'ROURKE, Ms. JUDY CHU of California, Mr. GRIJALVA, Ms. SCHAKOWSKY, and Mr. DANNY K. DAVIS of Illinois changed their vote from "nay" to "yea."

So the motion to recommit was rejected.